IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
CRIMINAL APPLICATION NO.3262/2005

Office Notes, Office Memoranda of Coram, : Appearances, Court's orders or directions : Court's or Judge's orders and Registrar's orders.

Mr. J.B.Kasat, Advocate, for the Applicant.
Mrs. R.A. Wasnik, APP for Respondent no.1.
Mr. V.M.Deshpande, Advocate for Respondent no.2.

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Coram : K. J. ROHEE, J.
Dated : AUGUST 11, 2006.

Heard the counsel for the parties.

2. By relying on **2004 Cr.L.J. 1695- Venkatesh Dutt .vs. M/s MS Shoes East Ltd**., the trial Court acquitted the respondent by observing that the power of attorney holder of the complainant accepted cheque after notice of demand was served on the respondent. However, the trial Court neglected the fact that the said cheque was undated and was not presented by the complainant to the Bank. In view of these circumstances, the facts of the present case differ from those of Venkatesh Dutt's case. Thus prima facie the impugned judgment appears to be incorrect. Hence Admit.

JUDGE

halwai.